

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ted Eugene Wright  
Application No. : 09/499,069  
Filed : February 4, 2000  
For : SINGLE-SHEET REGISTRATION FORM AND KEY PACKET  
Examiner : Monica Smith Carter  
Art Unit : 3722  
Docket No. : 35008.001  
Date : November 27, 2002

DECLARATION OF TED EUGENE WRIGHT

Sir:

I declare that I am the named inventor in the above-identified patent application. Submitted herewith are statements of fact and documentation that demonstrate that my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15 of Continuation Prosecution Application No. 09/499,069, is non-obvious in light of the references cited by the Examiner, and arguments made by the Examiner, during prosecution of U.S. Patent Application No. 09/499,069 and the Continuation Prosecution Application.

1. I assigned my rights to the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15 to Electronic Forms Plus, recorded June 22, 2000, at Reel/Frame: 010874/0719. Electronic Forms Plus, in turn, assigned its rights to Electronic Forms Plus, Inc., recorded March 16, 2001, at Reel/Frame: 011623/0634, which I am the owner.
2. I have achieved commercial success manufacturing and retailing the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, since 2000. In the year 2000, my company sold

5,324,140 units for a total sales revenue of \$212,954. In the year 2001, my company sold 7,629,350 units for a total sales revenue of \$305,174. In the first five months of 2002, my company sold 5,071,429 units for a total sales revenue of \$177,500. My company sells the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, to many different hotel chains, including Hilton, Sheraton, Best Western, Crowne Plaza, and many independent hotels. Currently, my company's account base includes over 700 individual hotels. Since my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, is a new product, and since only relatively recently have two potential infringers begun to copy and market copied versions of my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, I feel that my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, currently enjoys about 99% of the current market. I am currently adding new hotels as customers at a rate greater than 1 per day.

3. After I had successfully commercialized my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, has been copied, manufactured, and retailed by others, including USFI printers and Focus Services, without the "Patent Pending" notice and my company's identification. I have included two fax advertisements listing the copied SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, for sale as Exhibit A.

4. In an email correspondence included as Exhibit B, an employee of Hilton Equipment Corporation, a subsidiary of the Hilton Hotels Corporation that provides hotel supplies to Hilton Hotels, attempted to force me to remove the "Patent Pending" notice and company identification from my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, complaining that my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15 has replaced

the Hilton Welcome Key packet, a pre-printed form used prior to my invention of the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15. I believe that Hilton Hotels Corporation took this step in order to position themselves to bid out production of SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, to printers and vendors of pre-printed forms other than me. Hilton Hotels Corporation has recognized and substantially respected my patent pending status on my SINGLE-SHEET REGISTRATION FORM AND KEY PACKET. However, it is clear to me that, should I fail to acquire patent rights in my invention, and can no longer employ a patent-pending notice, my abilities to recoup significant development expenses through commercial exploitation of my invention will be severely and negatively impacted.

5. While living in Hilton Hotels three-to-four nights a week, from 1988 to 1992, I became keenly aware of excessive waste incurred through the use of check-in and check-out preprinted business forms. Two thirds of a two-ply form, an example of which is provided as Exhibit C, was discarded at check-in and one third discarded at check-out. The pre-printed, continuous forms were typically carbonless and processed by dot-matrix impact printers that were extremely noisy. Use of these forms required bursting, decollating, and the removal of line-hole stubs used to guide the forms through the dot-matrix printer. Alignment of the data with the form and jamming in the printer were two major problems encountered by users. Because I owned and managed a business-form manufacturing company for 25 years, the inefficiency was of interest to me.

The two-ply form used by Hilton Hotels was a combination Registration/Folio form designed as a standard for Hilton Hotels. In addition to this form, used at check-in, a key-pocket folder was also used. The key packet was typically pre-printed, die-cut, scored, and glued to create a pocket into which advertisements were inserted.

It occurred to me that a much less problem-prone, more efficient, and less expensive combine registration form and key packet could be devised to

replace the above-described 2-ply Registration/Folio and separate key packet. I recognize that, with the advent of commercially practical laser printers in the 1990's, a laser-printer-based combined SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, might provide a suitable alternative to the existing Registration/Folio and separate key packet, and through much experimentation and effort, succeeded in producing the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, in the summer of 1998, and began selling it to Hilton Hotels thereafter. Development of the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15 involved development of an electronic-form template, development of the custom-die-cut SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, integration with property management software, and programming of a flash-memory chip for laser printers. Examples of the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, including a blank SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, with only minor pre-printing, as well as extensively pre-printed SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, are included as Exhibit D.

My invention was thus born of personal observations of various check-in and check-out inefficiencies, extensive work with electronic forms, and the commercial availability of laser printers. Prior to my invention of the SINGLE-SHEET REGISTRATION FORM AND KEY PACKET, as claimed in claims 1-7 and 11-15, no similar product had been developed, and no similar product was in public use

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Ted Eugene Wright  
Ted Eugene Wright  
Applicant

11-27-02  
Date



**Focus Services**  
4180 Getwell  
Memphis, TN 38118  
901-360-1105  
Fax 901-360-9760



## HOTEL COLLATERAL SUPPLY ITEMS

Hotel \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_  
Hotel Code (5-Letters) \_\_\_\_\_ ATTN \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### HOW TO ORDER

CALL 1-866-423-1020 or FAX TOLL FREE 1-866-851-9942

Quantity	Item #	Description	Price
_____	HI 1-100	Key Folders (1,000/bx)	<u>42.75/E</u> X
_____	HI 1-101	Express Check-Out Envelope (1,000/bx)	<u>29.45/E</u> X
_____	HI 1-102	Pillow Letters (1,000/bx)	<u>30.40/E</u> X
_____	HI 1-103	Newspaper Bag (1,000/bx)	<u>42.75/E</u> X
_____	HI 1-104	HHonors G.M. Cards (1,000/bx)	<u>34.20/E</u> X
<b>LASER PRINTER PRODUCTS</b>			
_____	HI 1-001	Laser Folio - Check-In Folder (1,000/bx)	<u>41.90/E</u> X
_____	HI 1-002	Registration/Key Folder (Smart Chip) (1,000/bx)	<u>39.00/E</u> X
_____	HI 1-003	Express Check-Out Envelope (Laser Folio) (1,000/bx)	<u>19.95/E</u> X
_____	F 3-82L	Laser Folio 10,000	<u>24.00/E</u>
_____	Customized with Logo and Property's Address	15,000	<u>22.00/E</u>
_____	(1-color Blue)	20,000	<u>21.00/E</u>
_____	F 3-82LG	Laser Folio Generic with Logo Only (2,000/bx)	<u>48.00/E</u> X
_____	(1-color Blue)		
_____	F 3-82LS	Laser Billing Statement (Min. Order - 2,600)	<u>30.00/E</u>
_____	Customized with Logo and Property's Address (1-color Blue)		
<b>MERCHANDISING INSERT</b>			
_____	HI 1-105	Safety & Security Info (100/pk)	<u>3.50/E</u> X
_____	HI 1-106	Hotel Information (100/pk)	<u>3.50/E</u> X
_____	HI 1-110	Win 1,000,000 HHonors Points (100/pk)	<u>5.00/E</u> X
_____	HI 1-111-4	4 <sup>th</sup> Quarter 2001 E-Business (100/pk)	<u>5.00/E</u> X
_____	HI 1-113	Stay, Click and Win Weekend Promotion (100/pk)	<u>5.00/E</u> X

Prices do not include shipping & handling charges or applicable sales tax  
Prices subject to change



out-thinking  
out-performing™


1801 Royal Lane, Suite 810  
Dallas, Texas 75229  
1.800.422.2898  
Fax 972.402.8139

# Save 18%

on  **Hilton HPMS2 Reg Cards/Key Packets**  
**(form 32-14)**

TO: Hilton Hotels  
Attn: General Manager/Front Desk Manager

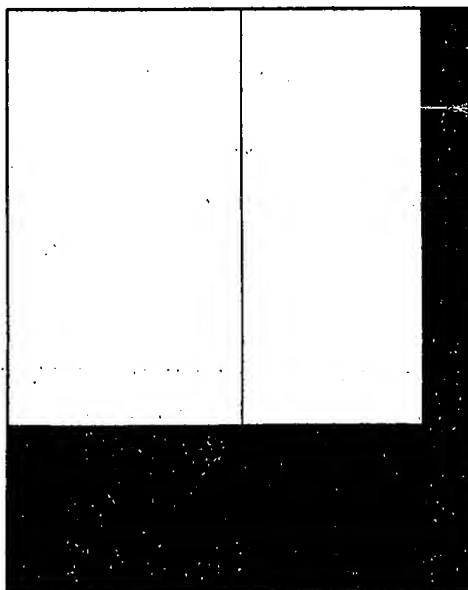
FROM: Lisa Vanderberg  
USFI Account Executive

USFI announces the availability of generic  **Hilton** HPMS2 registration card/key packet forms (8 1/2" x 14" with die-cut slit for key). The prices are:

24,000 quantity = \$755.00  
16,000 quantity = \$520.00

**Compare and Save! Our prices are up to 18% lower!**

Please use the attached order form or call Lisa at 1-888-277-7928



Subj: Re: FW: Laser F lio  
Date: 8/7/00 8:56:11 AM Pacific Daylight Time  
From: EFPLUS  
To: Beatha\_Galloway@hilton.com  
CC: Alan\_Wagener@hilton.com  
CC: Chris\_Schenker@hilton.com, Lisa\_Legaux@hilton.com  
CC: David\_Shattuck@hilton.com

I will make one final attempt to convey the facts surrounding the Reg/Key packet Stock Form 32-14. (Not the laser folio that you keep referring to).

The form of unique design was created by Electronic Forms Plus to function with laser printers. It is not a copy of any form "used by Hilton for many years". It involves strategically placed perforations and die cuts that enable the form to pass through a laser printer and the user to fold the product into a presentation folder in which to transfer literature, room keys, membership and credit cards. It was not designed specifically for Hilton Hotels.

The form was originally blank, with only my imprint for protection. It remains in that form to other users such as Sheraton, Holiday Inn, Best Western, Crowne Plaza and many other independent hotels, form distributors and business organizations.

At the request of Hilton Graphics last September, I agreed to print a test run for the Hilton Boston Logan Airport that included the Hilton logo and graphics which they furnished.

In December of 1999, Hilton Graphics advised me that the test was successful and that I was to begin using it as the standard January 1, 2000. I was also instructed to begin converting all Hilton Hotels to the new format as they exhausted their blank stock.

My attorney advises me that the imprint on the back of the form is my only way of providing notice to anyone attempting to duplicate my proprietary product. It must remain on the form. It is inside the folded product and not seen by the guest. If Hilton Corporation does not want their logo and graphics printed on it, I will be glad to go back to the blank form that everybody else is using at this time. Anyone pre-printing anything on my product and reselling without my written permission will be prosecuted for damages.

As for your conclusion that I am trying to undermine HEC's position within Hilton for my personal gain, I have offered to sell HEC product to resell to the Hilton Hotels in order to replace the revenue you are losing from the elimination of pre-printed forms, however, you have declined to do so, and yet you have insisted that a purchase order must be placed with my company in order for me to sell to Hilton Hotels. A purchase order for what? I receive purchase orders from the individual hotels for my product as per the original direction given to me by Hilton Hotels Corporation.

You also stated that I must be qualified as a vendor by HEC in order to sell to Hilton Hotels. I would like to remind you that I am listed as one of only three preferred vendors in the Hilton Collateral Guide provided to the Hilton family of hotels by HHC Marketing Communications.

As a Hilton Preferential Card Holder of over 25 years, a Hilton Preferred Vendor and a Hilton Stockholder, I am extremely upset at the rude, demanding and unprofessional manner in which you have communicated with me. From the initial telephone call you made to my office demanding that I provide my company's private sales information to you immediately, to the attitude you have displayed to my employees when calling my office to complain that I had e-mailed the information requested to David Shattuck instead of you. If you remember, at the meeting with Lisa, David and you, I asked for your business card and you advised me that you did not have cards yet since it hadn't been decided what your e-mail address was to be. In order to expedite the information requested, I e-mailed same to David.

In spite of your unprofessional manner, I have made every effort to provide your organization with the information requested on the premise that it not be shared with any other vendors. It was my intent to work together or else I would have declined your demands.

If your attitude continues as in the past, I shall file an official complaint to top management of Hilton Hotels Corporation. I have been providing forms and services to Fortune 500 companies for over 25 years and have never been treated so unprofessionally. In the years that I have provided Hilton Hotels with my products and services, everyone else has been very



professional and courteous.

I suggest that you do present this letter to your legal department so that you might better understand my proprietary rights.

Sincerely,

Ted Wright

In a message dated 8/4/00 5:55:40 PM Pacific Daylight Time, Beatha\_Galloway@hilton.com writes:

<< Subj: **RE: FW: Laser Folio**  
Date: 8/4/00 5:55:40 PM Pacific Daylight Time  
From: Beatha\_Galloway@hilton.com  
To: EFPLUS@aol.com  
CC: Alan\_Wagener@hilton.com, Chris\_Schenker@hilton.com, Lisa\_Legaux@hilton.com

Let's come to an understanding on this patent issue before we go any further. This is a piece that you produced as a direct need, while conducting chip integration for the printers used in Hilton's hotels.

For clarification we will send this to our legal department, but you are not and have not been authorized to patent anything with Hilton's name on it. As long as the paper you print carries Hilton's name it is not an item that you may place a patent on.

Now, my deliberation at this point is whether to discontinue your business with our properties, regarding paper, immediately and take this issue to legal and notify all Hilton properties to discontinue services with you because of your direct and deliberate act to monopolize your company's position within our structure. Frankly, I am very disturbed at the fact that you have continued to undermine HEC's position within this company for your gain, or so it seems.

I've stated to you before, the information you have on the back of the laser folio is contrary to our company's policy for supplier advertisement. Although other supplier's have their name on zip outs, there is not a telephone number and patent information there. You can't patent a piece of paper that is constructed in the manner for which a company has set up an item for which they have used far longer than you have been in business. Your design is a direct duplicate of the Hilton Welcome Key packet that has been incorporated into our company's daily use for many years.

Should you persist to use this 'patent' issue as an excuse to not comply with the requirements we have of all other suppliers, we will be forced to take legal action against you and your company. Please provide me with your response to the above concerns before the end of business on Monday. If I have not heard from you by Tuesday morning, 8/8/00, I will forward this to our legal department to begin processes for recouping damages.

—Original Message—

From: EFPLUS@aol.com@INTERNET@HHC  
Sent: Friday, August 04, 2000 3:28 PM  
To: Beatha Galloway  
Subject: Re: FW: Laser Folio

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Headers

Return-Path: <Beatha\_Galloway@hilton.com>  
Received: from rly-yd04.mx.aol.com (rly-yd04.mail.aol.com [172.18.150.4]) by air-yd01.mail.aol.com (v75\_b3.11) with ESMTP; Fri, 04 Aug 2000 20:55:40 -0400  
Received: from hiltonfw1.hilton.com (hiltfire.promus.com [192.251.125.160]) by rly-yd04.mx.aol.com (v75\_b3.9) with ESMTP; Fri, 04 Aug 2000 20:55:25 -0400  
Received: from hhcfmapp13.hilton.com by hiltonfw1.hilton.com  
via smtpd (for rly-yd04.mx.aol.com [205.188.156.164]) with SMTP; 5 Aug 2000 00:56:07 UT  
Received: by hhcfmapp13.hilton.com (Lotus SMTP MTA v4.6.6 (890.1 7-16-1999)) id 86256932.0004A035 ; Fri, 4 Aug 2000 19:50:31 -0500  
X-Lotus-FromDomain: HHC@INTERNET  
From: Beatha\_Galloway@hilton.com  
To: EFPLUS@aol.com  
cc: Alan\_Wagener@hilton.com, Chris\_Schenker@hilton.com, Lisa\_Legaux@hilton.com  
Message-ID: <86256932.00049F9F.00@hhcfmapp13.hilton.com>  
Date: Fri, 4 Aug 2000 17:55:20 -0700  
Subject: RE: FW: Laser Folio  
Mime-Version: 1.0  
Content-type: multipart/mixed;  
Boundary="0\_\_=TZy6ZfDySYu9nhy2ofdQCECcuSTH0jjYp6dVJq4f57w68t36bEhQjzR"  
Content-Disposition: inline

>>



WRIGHT, TED

P1

159.00  
FEB27

11440 W BERNARDO COURT STE 155  
SAN DIEGO, CA 92127

FOLIO - 104025

CHK/IN TIME

# RMS - 1

RRMKS -

DIAMOND

GTD - ZG

#P - 1-0

XPER -

DEF R -

HH# 265249875

GST ADV CX4P

Rates subject to applicable sales, occupancy, or other taxes. Please do not leave any money or items of value unattended in your room. A safety deposit box is available for you at the lobby. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges. In the event of an emergency, I, or someone in my party, require special evacuation assistance due to a physical disability. Please indicate yes by checking here: ☐ I have requested weekday delivery of USA TODAY. If refused, a credit of \$5.50 will be applied to my account.

GUEST SIGNATURE



Hilton Los Angeles Airport  
5711 W. Century Boulevard  
Los Angeles, California 90045  
310-410-4000 Fax 310-410-6250

22111 HMTRSC



Name:

In

Out

Folio

Address:

Rate

Room

Travel  
Agency

Date	Description	ID	Ref. No.	Charges	Credits	Balance
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THIS IS THE  
REGISTRATION/FOLIO FORM  
THAT WAS THE STANDARD  
FOR HILTON BEFORE  
I INVENTED THE  
REGISTRATION/KEY PACKET

Rates do not include applicable sales, occupancy or other taxes.

Transfer to credit ledger

I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges.

Guest

Firm

Address

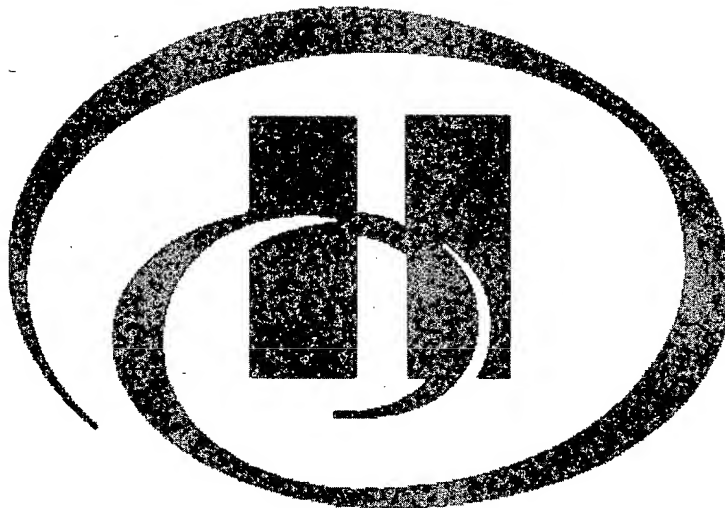
City

State

Zip

FO-148 (11-00)

EXHIBIT C



**Conventions • Airports • Resorts • Suites • Garden Inns**

**RESERVATIONS:**

**[www.hilton.com](http://www.hilton.com)**

**1-800-HILTONS**

**The Hilton Family Plan**

**There is no charge for children, 18 and under, when they occupy the same room as their parents or grandparents.**

Name \_\_\_\_\_

Room No. \_\_\_\_\_

## ELECTRONIC LOCK INSTRUCTIONS

### *To Enter Your Room*

Insert PassKey. Then remove it. Open door.  
Door stays locked when closed.

For your safety and security, your room number has been written on this booklet but not on your guest room key. We encourage you to keep your key card separate from this booklet in the event the booklet is lost or misplaced.

If your room key card is lost, stolen or misplaced, immediately return to the Front Desk and a new room key card will be made for you upon presentation of suitable identification. Once you have inserted your new room key card into your guest room lock, your old room key card will be invalidated.

*For information or reservations worldwide*  
Call: 1-800-HILTONS

# Welcome

## to



**Hilton Garden Inn®**  
Cleveland Airport

*Thank you for choosing Hilton.*

For your convenience, the details needed to check you out were taken care of when you checked in. On the morning of your departure, an itemized statement including all charges incurred through late the previous evening will be delivered under your door by 6 a.m. If the statement meets with your approval, just drop off your key and you're on your way.

**Zip-Out Check-Out®**

Avoid waiting in line to checkout with

**EXHIBIT D**

**Hilton Garden Inn®**  
Cleveland Airport



BEST AVAILABLE COPY

BEST AVAILABLE COPY

Hilton HHonors  
Points & Miles

MAKE YOURSELF  
AT HOME.

Name \_\_\_\_\_  
Room \_\_\_\_\_

  
DOUBLETREE  
HOTELS • SUITES • RESORTS • CLUBS

1-800-222-TREE  
www.doubletree.com

  
DOUBLETREE  
HOTELS • SUITES • RESORTS • CLUBS

**Electronic Lock  
Instructions to  
Enter Room**

Insert key card and remove  
immediately. Open door  
when light is activated. Door  
stays locked when closed.

For your safety and security,  
your room number has been  
written on this booklet but  
not on your key card. We  
encourage you to keep your  
key card separate from this  
booklet in the event the  
booklet is lost or misplaced.

If your key card is lost, stolen  
or misplaced, immediately  
return to the Front Desk and  
a new key card will be made  
for you upon presentation of  
suitable identification. Once  
you have inserted your new  
key card into your guest room  
lock, your old key card will  
be invalidated.

**Anything  
We Can Do  
For You?**

Comments about your stay?  
Please call the Guest Service  
Careline.

RE-ORDER FROM: *Electronic Forms Plus* (888) 337-2776  
Reg/Key Packet Stock Form 32-14  
PATENT PENDING

901 Airline Hwy • Kenner, LA 70062  
Phone (504) 469-5000 • Fax (504) 466-5473  
Reservations  
www.hilton.com or 1 800 HILTONS

Name & Address

  
**Hilton**  
New Orleans Airport

Guest Initials: \_\_\_\_\_  
Room  
Arrival Date  
Departure Date  
Adult/Child  
Room Rate

Rates subject to applicable sales, occupancy, or other taxes. Please do not leave any money or items of value unattended in your room. A safety deposit box is available for you in the lobby. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges. "I have requested weekday delivery of USA TODAY. If refused, a credit of \$0.50 will be applied to my account." In the event of an emergency, I, or someone in my party, require special evacuation assistance due to a physical disability. Please indicate yes by checking here: ☐

Signature

Name \_\_\_\_\_

**Welcome**

**Hilton**

**New Orleans Airport**

901 Airline Hwy • Kenner, LA 70062  
Phone: 504-469-5000 • Fax: 504-466-5473

**Guest Service Hotline**

If there is anything at all we can do to make your stay more comfortable, please do not hesitate to dial extension "67" or simply touch the button marked "Guest Service Hotline" on your guestroom phone.

**Check Out Time is 1:00 p.m.**

**Check In Time is 3:00 p.m.**

**Early Departure Fee Information**

Check-Out prior to your confirmed departure date will result in a \$50.00 early departure administrative fee.

**Thank you for staying at the Hilton.**

For your convenience, the details needed to check you out were taken care of when you checked in. On the morning of your departure, an itemized statement including all charges incurred through late the previous evening will be delivered under your door by 6 a.m. If the statement meets with your approval, simply call the Front Desk. Feel free to leave your key in your room.

**Zip-Out Check-Out®**

  
**Hilton**  
New Orleans Airport

901 Airline Hwy • Kenner, LA 70062  
Phone: 504-469-5000 • Fax: 504-466-5473

**Café LaSalle**

Ext. 2230

**Breakfast Buffet**

Monday - Saturday

**Sunday Breakfast Festival**

**Lunch Buffet**

Monday - Friday

**Nightly Dinner Specials**

**Second Line Sports Edition**

Ext. 2198

**Room Service**

Ext. 64

**Outdoor Pool & Tennis Courts**

8:00 a.m. to 10:00 p.m. Daily

**Fitness Room**

Lobby Level

24 Hour Access with guest room key

**Crescent Gift Shop**

Ext. 2120

Lobby Level

7:00 a.m. to 11:00 p.m. Daily

**Self-Service Business Center**

Lobby Level

24 Hour Access with Guest Room Key

**Emergency Hotline Ext. 66**

For your safety and security, your room number is not printed on your guestroom key. We encourage you to keep your key card separate from this booklet. If your key card is lost or misplaced, immediately return to the Front Desk and a new key card will be issued upon presentation of suitable identification. Your old room key card will be invalidated once you insert your new room key card into your lock.

**Room Number**

Insert Pass Key. Remove it. Open door.  
Door remains locked when closed.

**To Enter Your Room**



Name & Address

Room  
Arrival Date  
Departure Date

Adult/Child  
Room Rate

Rates subject to applicable sales, occupancy, or other taxes. Please do not leave any money or items of value unattended in your room. A safety deposit box is available for you in the lobby. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges. "I have requested weekday delivery of USA TODAY. If refused, a credit of \$0.50 will be applied to my account." In the event of an emergency, I, or someone in my party, require special evacuation assistance due to a physical disability. Please indicate yes by checking here: ☐

Signature

### Great American Grill

Located on the Lobby Level  
serving classic American cuisine in a refined, comfortable setting.  
Featuring our Daily Breakfast Buffet.

Hours of Operation

Breakfast 6:00 a.m. - 10:00 a.m. Monday-Friday

7:00 a.m. - 10:00 a.m. Saturday & Sunday

Lunch 11:30 a.m. - 1:30 p.m.

Dinner 5:00 p.m. - 9:00 p.m.

Press the Restaurant button on your in-room telephone  
for reservations or information.

### Lobby Bar

Located next to the main Lobby.  
serving premium beverages in a relaxed atmosphere.

Hours of Operation

5:00 p.m. - 10:00 p.m.

### Room Service

Enjoy our dining menu items in the privacy & comfort of your room.

Hours of Operation

Dinner 5:00 p.m. - 9:00 p.m.

Press the Restaurant button  
on your in-room telephone to place your order.

### Fitness Center and Indoor Pool

Located on the Lower Level.

Hours of operation:

Monday - Sunday

6:00 a.m. - 11:00 p.m.

NO Lifeguard is on duty.

Guest Room key access only.

### Pavilion Pantry

Located adjacent to the Reception Desk,  
providing a variety of sundry items.

Open 24 Hours each day.

Press the Guest Service Hotline Button  
on your in room telephone for information.

### Business Center

Located adjacent to the Reception Desk, this self-service amenity is  
certain to meet your business office needs.

Available 24 hours each day.

Guest Room key access only.

Name

# Welcome

**Hilton**  
**Garden Inn**  
Minneapolis/Eden Prairie

### Guest Services Hotline

If there is anything at all we can do to make your  
stay more comfortable, simply touch the button marked  
"Guest Service Hotline" on your guestroom phone.

Check Out Time is 12:00 p.m.

Check In Time begins at 3:00 p.m.

WELCOME

The Hilton Family

Hilton Worldwide

Member Since

For your safety and security, your room number is not printed on your guestroom key. We encourage you to keep your key card separate from this booklet. If your key card is lost or misplaced, immediately return to the Front Desk and a new key card will be issued upon presentation of suitable identification. Your old room key card will be invalidated once you insert your new room key card into your lock.

Room Number

Insert Pass Key. Remove it. Open door.  
Door remains locked when closed.

To Enter Your Room

"I have requested weekday delivery of USA TODAY. If refused, a credit of \$0.50 will be applied to my account." Please call the Front Desk or check here to refuse. ☐  
(Please drop off during your stay)

Thank you for choosing the Hilton Garden Inn.

Feel free to leave your key in your room.

call the Front Desk.

statement meets with your approval, simply be delivered under your door by 6 a.m. If the incurred through late the previous evening will an itemized statement including all charges checked in. On the morning of your departure, check you out were taken care of when you For your convenience, the details needed to

Zip-Out Check-Out®

## HOTEL DINING AND ENTERTAINMENT

### BERKSHIRE'S RESTAURANT.....6783

Berkshire's offers the best in New England cuisine with a contemporary flair. Our full service restaurant features a diverse ala Carte menu with something for everyone. During breakfast and lunch Berkshire's offers an abundant buffet. A special menu is available for children 12 and under who also receive a 50% discount on buffet prices.

Breakfast Served:	5:30 am - 11:00 am
Lunch Served:	11:00 am - 2:30 pm
Dinner Served:	5:00 pm - 11:00 pm
Breakfast Buffet Open:	5:30 am - 11:00 am
Lunch Buffet Open:	11:30 am - 2:30 pm

### CAFÉ PRESTO.....6786

Conveniently located in our lobby, Café Presto is the perfect choice if you're in a hurry or would like something to go. Our specialty coffee bar features freshly baked pastries and SEATTLE'S BEST COFFEE; you won't find a better cup of coffee at the airport. Pick up cappuccino and a croissant on your way to the terminal. Are you preparing for a long flight? Stop by and let us pack you a wholesome meal for the plane.

Breakfast Served:	5:30 am - 11:00 am
All-Day Menu Served:	11:00 am - 12:00 am

### KITTY O'SHEAS PUB.....6785

Experience a taste of the Emerald Isle right here at the Hilton Boston Logan Airport. Located adjacent to the main lobby, our Irish pub offers authentic Irish cuisine plus a grand selection of draught beer, spirits and wine. Enjoy a pint while taking in the sounds of Ireland as you listen to Irish classics and today's Irish favorites. Give us a call and ask about our live entertainment.

### ROOM SERVICE.....6870

Have you had a long day? Let us cater your meal in the privacy of your own room. Offering a wide variety of menu items our Room Service Order Takers are ready to take your order 24 hours a day. Dial 6870 or simply touch the button marked "Room Service" on your guestroom phone.

Breakfast Menu Served:	5:00 am - 11:00 am
All-Day Dining Menu Served:	11:00 am - 12:00 am
Dinner Menu Served:	5:00 pm - 11:00 pm
Late-Night Menu Served:	12:00 am - 5:00 am

# Welcome

Name \_\_\_\_\_

Room No. \_\_\_\_\_



## Hilton Boston Logan Airport

### Guest Services Hotline

If there is anything at all we can do to make your stay more comfortable please do not hesitate to dial Extension "60" or simply touch the button marked "Guest Service Hotline" on your guestroom phone.

For your safety your door will remain locked when it is closed. You will notice that your room number is not printed on your guestroom key. We encourage you to keep your key card separate from this booklet so no one can determine your room number. If your key card is lost or misplaced immediately return to the Front Desk and a new key card will be issued upon presentation of suitable picture identification. Your old key card will be invalidated once you insert your new key card into your lock.

- (1) Insert your key card into the lock
- (2) Remove it from the lock
- (3) Look for the green flashing light.
- (4) Turn the handle and push

To Enter Your Room  
ELECTRONIC LOCK INSTRUCTIONS

For your convenience, the details needed to check you out were taken care of when you registered. On the morning of your departure, an itemized statement including all charges incurred through late the previous evening will be delivered under your door by 6 a.m. If the statement meets with your approval, simply dial Extension "61" or touch the Zip-Out Check-Out button on your guest room telephone. Feel free to leave your key card in your guestroom.

Zip-Out Check-Out®

Avoid waiting in line to checkout with

EXHIBIT D

22  
Declaration  
S. Zimmerman



Practitioner's Docket No. 35008.001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ted Eugene Wright

Application No.: 09/499,069

Group No.: 3722

Filed: Feb. 4, 2000

Examiner: Monica Carter Smith

For: SINGLE-SHEET REGISTRATION FORM AND KEY PACKET

Commissioner for Patents  
Washington, DC. 20231

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to December 11, 1998 that is the effective date of the prior art:

X publication

       patent

that was cited by the

X examiner.

       applicant.

TECHNOLOGY CENTER R3700

RECEIVED  
DEC - 6 2002

RECEIVED

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

       transmitted by facsimile to the Patent and Trademark Office

Signature

Joanne Bourguignon

(type or print name of person certifying)

Date 11-27-02

(Declaration of *Prior* Invention In the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—37 C.F.R. § 1.131 [g-32] - page 1 of 4)

NOTE: "When any claim of application or a patent under reexamination is rejected under 35 U.S.C. 102(a) or (e), or 35 U.S.C. 103 based on a U.S. patent to another or others which is prior art under 35 U.S.C. 102(a) or (e) and which substantially shows or describes but does not claim the same patentable invention, as defined in 37 C.F.R. 1.601(n), or a reference to a foreign patent or to a printed publication, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43 or 1.47, may substitute an appropriate oath or declaration to overcome the patent or publication. The oath or declaration must include facts showing a completion of the application in this country or in a NAFTA or WTO member country before the filing date of the application on which the U.S. patent issued, or before the date of the foreign patent, or before the date of the printed publication. When an appropriate oath or declaration is made, the patent or publication cited shall not bar the grant of a patent to the inventor or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country." 37 C.F.R. § 1.131(a)(1).

NOTE: 37 C.F.R. § 1.131 is not applicable to a rejection based on a U.S. patent that CLAIMS the rejected invention.

2. The person making this declaration is (are):

- ☒ the Inventor(s).
- ☐ only some of the joint inventor(s)  
(and a suitable excuse is attached for failure of the omitted joint inventor(s) to sign)
- ☐ the party in interest  
(and a suitable explanation as why it is not possible to produce the declaration of the inventor(s) is attached)

#### FACTS AND DOCUMENTARY EVIDENCE

3.

NOTE: The showing of facts shall be such, in character and weight as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. 37 C.F.R. § 1.131(b).

To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

(check all applicable items below)

- ☐ sketches
- ☐ blueprints
- ☐ photographs
- ☐ model
- ☒ correspondence, purchase orders, sample forms, and invoices
- ☐ supporting statement(s) by witness(es) (where verbal disclosures are the evidence, relied upon)

NOTE: While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Margenthaler v. Scudder* 1897 C.D. 724, 81 O.G. 1417. See also M.P.E.P. § 715.07 and § 2138.04, 7th ed.

From these documents and/or models, it can be seen that the invention in this application was made

on \_\_\_\_\_  
X at least by the date of July 14, 1998 which is a date earlier than the effective date of the reference.

NOTE: "If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration." M.P.E.P. § 715.07, 7th ed.

NOTE: "[T]he dates in the oath or declaration may be the actual dates, or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date." M.P.E.P. § 715.07, 7th ed.

### DILIGENCE

NOTE: "Where there has not been reduction to practice prior to the date of the reference, the applicant or patent owner must also show diligence in the completion of his or her invention from a time just prior to the date of the reference continuously up to the date of the actual reduction to practice or up to the date of filing his or her application (filing constitutes a constructive reduction to practice, § 1.131). "M.P.E.P. § 715.07, 6th ed., rev. 3 (emphasis added).

NOTE: "A conception of an invention, though evidenced by disclosure, drawings, and even a model, is not a complete invention under the patent laws, and confers no rights on a inventor, and has no effect on a subsequently granted patent to another, UNLESS HE OR SHE FOLLOWS IT WITH REASONABLE DILIGENCE BY SOME OTHER ACT, such as an actual reduction to practice or filing an application for a patent. Automatic Weighing Mach. Co v. Pneumatic Scale Corp., Limited 1909 C.D. 498, 139 O.G. 991, M.P.E.P. § 715.07, 7th ed.  
"Conception in the mental part of the inventive act, but it must be capable of proof, as by drawings, complete disclosure to another person, etc., In Mergenthaler v. Scudder, 1897 ca 724, 81 O.G. 1417, it was established that conception is more than a mere vague idea of how to solve a problem; the means themselves and their interaction must be comprehended also." M.P.E.P. § 715.07, 7th ed.

NOTE: Only diligence before reduction to practice is a material consideration. The "lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon." (Ex parte Merz 74 U.S.P.Q. 296) is not relevant to an affidavit or declaration under 37 C.F.R. § 1.131. M.P.E.P. § 715.07(a), 7th ed.

Attached is a statement establishing the diligence of the applicants, from the time of their conception, to a time just prior to the date of the reference, up to the:

X actual reduction to practice.  
\_\_\_ filing of this application.

### TIME OF PRESENTATION OF THE DECLARATION

(complete (a), (b) or (c))

- (a) X This declaration is submitted prior to final rejection.  
(b) \_\_\_ This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection.  
(c) \_\_\_ This declaration is submitted after final rejection. A showing under 37 C.F.R. § 1.116(b) is submitted herewith.

## DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

7.

(complete A or B below)

A. Inventor(s)

Full name of sole or first inventor Ted Eugene Wright

Inventor's signature *Ted Eugene Wright*

Date 11-27-02 Country of Citizenship United States

Residence 8707 Gracilior Place, Escondido, California

Post Office Address \_\_\_\_\_

Full name of second joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full name of third joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

(use added page for signature by additional inventors)

Number of pages added: \_\_\_\_\_

(Declaration of Prior Invention in the United States, or in a NAFTA or WTO Member Country to Overcome  
Cited Patent or Publication -37 C.F.R. § 1.151 [g-32] page 4 of 4)